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Solicitation of Campaign Funds.—The United States Supreme Court in *United States v. Thayer*, 28 Supreme Court Reporter, 426, held that the federal statute prohibiting the solicitation of campaign funds, in any room or building occupied, in the discharge of official duties, by certain officers or employees, was violated either by an oral or written solicitation, and that where the act consisted of mailing a letter to an employee in such building, it was not complete until the letter was delivered.

The Description of a Firm.—In walking through the streets of any English town one constantly reads, in addition to the name of a tradesman over his shop, the words "from Messrs. So-and-So's." The meaning of these words is plain enough. It is that the shopkeeper has previously been in the employment of the firm mentioned, and the statement is made to inspire the public with confidence in his capacity. In *Cundey v. Lervill*, heard before Mr. Justice Parker last week, the plaintiff, who owns the famous tailoring business known as "Poole's," sought to restrain the defendants, tailors at Eastbourne, from stating that one of the members of their firm was "from Poole's." He had, in fact, been for many years in Poole's employment, though only as a journeyman. The representation was, therefore, literally true. The plaintiffs, however, suggested that it impliedly suggested that by reason of his employment at Poole's the particular defendant had qualifications which the nature of his work with that firm could not have enabled him to acquire. Mr. Justice Parker, however, did not consider that there was, in fact, anything in the nature of a false representation. Even if there had been, there was no evidence that the plaintiff had sustained damage, and he held, therefore, that there was no right to an injunction. The decision is clearly sound; for damage is an essential part of the cause of action for false statements, not defamatory in themselves, made with reference to another person's business. Of course, if there had been any representation that the former employers were in any way connected with the defendants' business, that would have been a good ground for granting an injunction; but the mere puffing reference to them in the description of the firm was not such a representation, and there remained, therefore, no cause of action.—*London Law Journal*.

Manslaughter by Neglect.—At the Central Criminal Court on April 29, before Mr. Justice A. T. Lawrence, Ellen Simpson was charged with the manslaughter by neglect of her mother, a woman of eighty-three. The mother had an annual income of £120, paid quarterly. The prisoner, who lived with the mother, spent the income largely in drink and neglected the mother, disregarding many

warnings. The mother ultimately died, in a room in which there was no fire, very little bedding or furniture, and little or no food, and the cause of death was certified to be heart failure accelerated by want of food, attention, cleanliness, and warmth. It was contended that the daughter was under no legal responsibility to provide for or look after the mother; but in view of the decision in *Regina v. Instan*, 62 Law J. Rep. M. C. 86; L. R. (1893) 1 Q. B. 450, this contention was overruled and the jury convicted the prisoner.—London Law Journal.

Court of Appeal.

Court of Appeal.
Cozens-Hardy, M. R.

Buckley, L. J.
Kennedy, L. J.

June 1.

Fitzgerald v. Clarke & Son.

Master and Servant—Compensation—Injury Caused by Practical Joke—‘Arising out of employment’—Workmen’s Compensation Act, 1906 (6 Edw. VII. c. 58), s. 1.

Appeal from decision of the judge of the Bow County Court sitting as an arbitrator under the Workmen’s Compensation Act, 1906.

The appellant was engaged by the respondents to fill boxes with biscuits. While at work fellow-workmen of the appellant, by way of a practical joke, placed the hook of a crane in his necktie and lifted him from the ground. When lifted about fifty feet the necktie gave way and he fell to the ground, and suffered injuries which made him a cripple for life. The men had been prosecuted and convicted of causing the appellant grievous bodily harm.

The judge considered that the accident had not arisen out of his employment, and that he was not entitled to compensation under the Act.

G. F. Emery for the appellant.

Clavell Salter, K. C., and Stuart Robertson for the respondents.

Their Lordships dismissed the appeal, being of opinion; following *Armitage v. The Lancashire and Yorkshire Railway* (1902), 71 Law J. Rep. K. B. 778; L. R. (1902) 2 K. B. 178, that the accident did not arise ‘out of and in the course of the employment’ of the workman.

Appeal dismissed.

Solicitors: T. A. Capron & Co.; Griffith & Gardiner.
(Reported by A. J. Spencer, Esq., Barrister-at-Law.)

—London Law Journal.

Acceptance of Rebates.—The Burlington & Quincy Railway Company, in accordance with its published rates, contracted with the